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OFFICE OF PETITIONS

In re Application of :
Yamashita, et al. : DECISION ON APPLICATION FOR
Application No. 09/582,404 : PATENT TERM ADJUSTMENT
Filed: June 23, 2000 :
Atty. Dkt. No.: 19941A-00030 :

This is a decision on the "APPLICATION FOR PATENT TERM
ADJUSTMENT UNDER 37 C.F.R. § 1.705" filed February 28, 2005.

The application for patent term adjustment ("PTA") under 37
C.F.R. § 1.705 is hereby **DISMISSED**.

Applicants request that the Determination of Patent Term
Adjustment be corrected from zero days as indicated on the
Determination of Patent Term Extension mailed December 28, 2004
to an adjustment of 246 days.

Applicants argue that the instant application was filed after
May 29, 2000, not between June 7, 1995 and May 29, 2000 and is
thus subject to the provisions of 37 CFR 1.702.

The instant application is a national stage entry of
PCT/JP98/05915, filed December 28, 1998. In order for a national
stage entry of an international application to be subject to the
PTA provisions of 35 USC 154(b), the international application
must have an international filing date of May 29, 2000 or later.
The date on which the international application either complies
with 35 USC 371(c) or enters the National Stage is not relevant
for determining eligibility for PTA. See, § 4405(a) of the
American Inventor's Protection Act ("AIPA"), 35 USC § 363, and
37 CFR § 1.702(f). As the instant application is a national
stage entry of an international application filed prior to May
29, 2000, the instant application is not eligible for PTA.

The Office acknowledges receipt of the required \$200.00
application for patent term adjustment fee.

The application file is being forwarded to the Publications Division for issuance of a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (703) 305-0310.

Karin Ferriter
for

Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy